

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA	)	
	)	
Plaintiff,	)	
	)	
v.	)	Criminal Action No. 06-35-KAJ
	)	
OYEDIRAN OYETUNJI,	)	
	)	
Defendant.	)	

**MOTION TO ENLARGE THE TIME FOR THE FILING OF PRE-TRIAL MOTIONS  
AND TO WAIVE THE APPLICATION OF THE SPEEDY TRIAL ACT**

Defendant, Oyediran Oyetunji, by and through his undersigned counsel, Christopher S. Koyste, hereby moves the Court to issue an order that enlarges the time period for the filing of pre-trial motions by 45 days and excludes this time period from the Speedy Trial Act calculations. This 45 day time period will allow the Defense additional time to review discovery, investigate the allegations in this action, and negotiate with the Government. Counsel submits the following in support thereof:

1. Mr. Oyetunji was arrested by agents of Immigration and Customs Enforcement on March 13, 2006 on the basis of a complaint which alleged that he illegally re-entered the United States after previously being deported. On March 13, 2006, Mr. Oyetunji had an initial appearance and Penny Marshall was appointed from the Federal Public Defender's Office.

2. Mr. Oyetunji was indicted for illegal re-entry after deportation on April 4, 2006. He entered plea of not guilty at his April 27, 2006 arraignment at which time the due date for pre-trial motions was set for June 9, 2006.

3. AFPD Christopher Koyste entered his appearance on behalf of Mr. Oyetunji on June 27, 2006. Counsel has met with Mr. Oyetunji and has spoken to Counsel for the Government, AUSA Beth Moskow-Schnoll in relation to this action.

4. The Defense asserts that it needs additional time to review discovery, investigate the allegations in this action, and negotiate with the Government. Mr. Oyetunji moves to enlarge the time period for the filing of pre-trial motions an additional 45 days, making pre-trial motions due no later than August 21, 2006. Mr. Oyetunji also moves for the exclusion of 45 days as calculated by the Speedy Trial Act, 18 U.S.C. Section 3161(c)(1), and asserts that such a time exclusion's in the interests of justice.

5. AUSA Beth Moskow-Schnoll does not oppose Mr. Oyetunji's request.

WHEREFORE, Mr. Oyetunji respectfully requests the Court to issue an order that enlarges the time period for the filing of pre-trial motions by 45 days and excludes this time period from the Speedy Trial Act calculations.

/s/  
CHRISTOPHER S. KOYSTE, ESQUIRE  
Assistant Federal Public Defender  
704 King Street, Suite 110  
Wilmington, Delaware 19801  
Attorney for Oyediran Oyetunji

Dated: July 7, 2006

**CERTIFICATE OF SERVICE**

Undersigned counsel certifies that this Motion to Enlarge the Time for the Filing of Pre-Trial Motions and Waive the Application of the Speedy Trial Act is available for public viewing and downloading and was electronically delivered on July 7, 2006 to:

Beth Moskow-Schnoll, Esq.  
Assistant United States Attorney  
1007 Orange Street, Suite 700  
Wilmington, Delaware 19801

/s/  
CHRISTOPHER S. KOYSTE, ESQUIRE  
Assistant Federal Public Defender  
704 King Street, Suite 110  
Wilmington, Delaware 19801  
Attorney for Oyediran Oyetunji

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**ORDER**

Having considered Defendant's Motion to Waive the Application of the Speedy Trial Act,

**IT IS HEREBY ORDERED** this \_\_\_\_\_ day of July, 2006, that Defendant's Motion is **GRANTED** and the time period for the filing of pre-trial motions is enlarged an additional 45 days and excluded from the Speedy Trial Act calculations. Pre-trial motions are to be filed on or before August 21, 2006.

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The Honorable Kent A. Jordan  
U.S. District Court

cc: AUSA Beth Moskow-Schnoll  
AFPD Christopher Koyste